

Executive Summary – Enforcement Matter – Case No. 43030
Walnut Cove Water Supply Corporation
RN103123279
Docket No. 2011-2178-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Walnut Cove WSC, located 200 feet east of Lake Conroe on Weir Creek approximately three miles west of Interstate Highway 45 and two miles north of Farm-to-Market Road 1097, Montgomery County

Type of Operation:

Wastewater treatment plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 11, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,350

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$29,350

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 43030
Walnut Cove Water Supply Corporation
RN103123279
Docket No. 2011-2178-MWD-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 15, 2011

Date(s) of NOE(s): November 11, 2011

Violation Information

1. Failed to properly operate and maintain the wastewater treatment plant resulting in high levels of foam and sewage debris in the receiving stream [TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0012416001 Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d.].
2. Failed to properly maintain the wet wells [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012416001 Operational Requirements No. 1].
3. Failed to prevent unauthorized discharges of wastewater from the collection system [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012416001 Permit Conditions No. 2.g.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Facility:

- a. By January 11, 2011, repaired the force main, replaced the polyvinyl chloride pipes and disinfected the area;
- b. By March 11, 2011, disinfected the area and jetted the pipe to unclog the blockage;
- c. By September 27, 2011, received documentation indicating that the foam and sewage debris has been removed from the receiving stream and disposed of properly; and
- d. On December 11, 2011, submitted documentation demonstrating that the grease was removed from the wet wells and was disposed of properly.

Technical Requirements:

The Order will require Respondent to:

- a. Within 60 days, develop and implement a solids management plan (“SMP”). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The plan shall be prepared by a Texas registered professional engineer. At a

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Docket No. 2011-2178-MWD-E

minimum, the plan shall include the following items:

- i. A schedule for performing the following process control analysis and recommended ranges to be maintained: mixed liquor thirty-minute sludge settleability, mixed liquor suspended solids, mixed liquor dissolved oxygen concentration, clarifier sludge blanket depth, and residual chlorine concentration;
 - ii. Procedures outlining actions to be taken in the event that any of the above process control analyses fall outside the recommended range; and
 - iii. Specific sampling locations for the above stated process control measurements.
 - iv. Organized, written records of the process control analyses shall be maintained for a period of three years at the Facility in a daily log book and shall be made available to TCEQ representatives upon request.
- b. Within 75 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Debra Barber, Enforcement Division, MC 219, (512) 239-0412
TCEQ SEP Coordinator: N/A
Respondent: Alice Pulatie, Secretary, Walnut Cove Water Supply Corporation, P.O. Box 187, Willis, Texas 77378
Arthur Buckner, Board President, Walnut Cove Water Supply Corporation, P.O. Box 187, Willis, Texas 77378
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Nov-2011	Screening	22-Nov-2011	EPA Due	
	PCW	8-Dec-2011				

RESPONDENT/FACILITY INFORMATION

Respondent	Walnut Cove Water Supply Corporation		
Reg. Ent. Ref. No.	RN103123279		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43030	No. of Violations	1
Docket No.	2011-2178-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **125.0%** Enhancement **Subtotals 2, 3, & 7** \$2,500

Notes: Enhancement for 18 months of self-reported effluent violations, three NOV's for same/similar violations, and one order with denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$500

Economic Benefit **0.0%** Enhancement* **Subtotal 6** \$0

Total EB Amounts \$24
Approx. Cost of Compliance \$3,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$4,000

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$4,000

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$4,000

DEFERRAL **0.0%** Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$4,000

Screening Date 22-Nov-2011

Docket No. 2011-2178-MWD-E

PCW

Respondent Walnut Cove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 43030

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103123279

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	21	105%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 125%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for 18 months of self-reported effluent violations, three NOVs for same/similar violations, and one order with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 125%

Screening Date 22-Nov-2011
Respondent Walnut Cove Water Supply Corporation
Case ID No. 43030
Reg. Ent. Reference No. RN103123279
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson

Docket No. 2011-2178-MWD-E

PCW

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012416001 Permit Conditions No. 2.g.

Violation Description

Failed to prevent the unauthorized discharge of wastewater from the collection system. Specifically, on January 11, 2011, approximately 2,500 gallons of wastewater discharged from the manhole located at lift station no. 2, onto the yard at 8846 Old Creek due to a force main break inside the lift station. Also, on March 11, 2011, approximately 1,000 gallons of wastewater discharged onto property located at 9095 Migold due to a sewer stoppage in a collection line.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

2 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended (one event for each discharge).

Good Faith Efforts to Comply

25.0% Reduction

\$500

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance by March 11, 2011.

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$4,000

This violation Final Assessed Penalty (adjusted for limits) \$4,000

Economic Benefit Worksheet

Respondent Walnut Cove Water Supply Corporation

Case ID No. 43030

Reg. Ent. Reference No. RN103123279

Media Water Quality

Violation No. 1

Percent Interest 5.0 **Years of Depreciation** 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	11-Jan-2011	11-Mar-2011	0.16	\$24	n/a	\$24

Notes for DELAYED costs

Estimated cost to apply high test hypochlorite on the effective areas, jet the pipe to unclog the blockage, repair the force main and replace the polyvinyl chloride pipes. Date required is the date the first unauthorized discharge occurred. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$24



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	14-Nov-2011	Screening	22-Nov-2011	EPA Due	
	PCW	15-Mar-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Walnut Cove Water Supply Corporation		
Reg. Ent. Ref. No.	RN103123279		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	43030	No. of Violations	2
Docket No.	2011-2178-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	100.0%	Enhancement	Subtotals 2, 3, & 7	\$12,750
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Notes: Enhancement for 18 months of self-reported effluent violations, three NOVs for same or similar violations, and one order with denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$150
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$505
Approx. Cost of Compliance: \$12,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$25,350
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$25,350
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$25,350
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$25,350
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Screening Date 22-Nov-2011

Docket No. 2011-2178-MWD-E

PCW

Respondent Walnut Cove Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 43030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103123279

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	21	105%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 125%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for 18 months of self-reported effluent violations, three NOVs for same or similar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 125%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 22-Nov-2011

Docket No. 2011-2178-MWD-E

PCW

Respondent Walnut Cove Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 43030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103123279

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121, 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012416001 Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.d.

Violation Description

Failed to properly operate and maintain the wastewater treatment plant resulting in high levels of foam and sewage debris in the receiving stream. Specifically, as a result of poor maintenance of the clarifier, elevated amounts of floating solids and grease balls were noted along the clarifier weirs that were discharging into the clarifier trough, high levels of foam covered approximately 40% of the clarifier's surface, and the sludge blanket in the clarifier was 6 feet in a 10 foot water depth. The recommended sludge depth is 25% of the total water depth. Additionally, the thirty-minute settleable solids concentration in the aeration basin was 85%, indicating that the aeration basin was not being operated properly. High levels of foam and sewage debris was also noted on the north and south sides of the outfall discharge pipe.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or the environment as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3

68 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$11,250

Three monthly events are recommended from the September 15, 2011 investigation date to the November 22, 2011 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$481

Violation Final Penalty Total \$22,500

This violation Final Assessed Penalty (adjusted for limits) \$22,500

Economic Benefit Worksheet

Respondent Walnut Cove Water Supply Corporation
Case ID No. 43030
Reg. Ent. Reference No. RN103123279
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	15-Sep-2011	31-Aug-2012	0.96	\$481	n/a	\$481

Notes for DELAYED costs

Estimated cost to evaluate the system and perform any necessary rehabilitation to ensure that the Facility is properly operated and maintained in accordance with the provisions of the permit to minimize the risk of untreated or inadequately treated wastewater, sludge, floating solids, grease and sewage debris being discharged. The date required is the investigation date and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$481

Screening Date 22-Nov-2011

Docket No. 2011-2178-MWD-E

PCW

Respondent Walnut Cove Water Supply Corporation

Policy Revision 3 (September 2011)

Case ID No. 43030

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103123279

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0012416001
Operational Requirements No. 1

Violation Description

Failed to properly maintain the wet wells. Specifically, the wet wells at the Scarlett Oak and Old Creek No. 1 lift stations contained excessive amounts of grease.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 2 68 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,500

Two single event are recommended, one event for each lift station.

Good Faith Efforts to Comply

10.0% Reduction

\$150

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent returned to compliance by December 11, 2011.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$24

Violation Final Penalty Total \$2,850

This violation Final Assessed Penalty (adjusted for limits) \$2,850

Economic Benefit Worksheet

Respondent Walnut Cove Water Supply Corporation
Case ID No. 43030
Reg. Ent. Reference No. RN103123279
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	15-Sep-2011	11-Dec-2011	0.24	\$24	n/a	\$24

Notes for DELAYED costs

Estimated cost to removed grease from the wet wells and properly dispose of the grease. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$24

Compliance History

Customer/Respondent/Owner-Operator:	CN600629794	Walnut Cove Water Supply Corporation	Classification: AVERAGE	Rating: 2.34
Regulated Entity:	RN103123279	WALNUT COVE WSC	Classification: AVERAGE	Site Rating: 2.34
ID Number(s):	WASTEWATER	PERMIT	WQ0012416001	
	WASTEWATER	EPA ID	TX0088137	
	WASTEWATER LICENSING	LICENSE	WQ0012416001	
Location:	located 200 feet east of Lake Conroe on Weir Creek approximately three miles west of Interstate Highway 45 and two miles north of Farm-to-Market Road 1097 in Montgomery County, Texas			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	November 22, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	November 22, 2006 to November 22, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Cheryl Thompson		Phone:	(817) 588-5886

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

N/A Effective Date: 11/15/2010 ADMINORDER 2010-0618-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits & Monitoring Req. No. 1 PERMIT

Description: Failed to comply with the permitted effluent limitations as documented during a record review conducted on March 4, 2010.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
30 TAC Chapter 319, SubChapter A 319.1

Rqmt Prov: Monitoring and Reporting Req. No. 1 PERMIT

Description: Failed to timely submit monitoring results at the intervals specified in the permit as documented during a record review conducted on March 4, 2010. Specifically, the Respondent failed to include the daily average flow and daily maximum flow for the monitoring period ending August 31, 2009.
- B. Any criminal convictions of the state of Texas and the federal government.

N/A
- C. Chronic excessive emissions events.

N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 03/19/2007
- 2 06/22/2007 (624867)
- 3 06/22/2007 (624868)
- 4 07/16/2007 (624869)
- 5 07/26/2007 (624870)
- 6 03/19/2007 (624871)
- 7 03/19/2007 (624872)
- 8 10/03/2007 (624873)

9	11/06/2007	(624875)
10	11/30/2006	(624876)
11	12/03/2007	(624877)
12	06/02/2008	(640838)
13	03/11/2008	(675534)
14	04/01/2008	(693846)
15	05/12/2008	(693847)
16	06/12/2008	(715179)
17	08/19/2008	(715180)
18	09/12/2008	(715181)
19	08/31/2008	(731005)
20	10/13/2008	(731006)
21	10/24/2008	(731007)
22	11/14/2008	(731008)
23	03/04/2009	(735890)
24	05/07/2009	(744523)
25	03/03/2009	(771540)
26	04/01/2009	(771541)
27	04/14/2009	(771542)
28	05/12/2009	(771543)
29	04/06/2010	(794656)
30	02/25/2010	(814738)
31	06/16/2009	(814739)
32	07/10/2009	(814740)
33	09/29/2009	(814741)
34	09/18/2009	(814742)
35	10/15/2009	(814743)
36	11/16/2009	(814744)
37	12/20/2007	(814745)
38	01/06/2009	(814746)
39	12/21/2009	(814747)
40	01/18/2008	(814748)
41	01/14/2009	(814749)
42	01/20/2010	(814750)
43	03/18/2010	(834373)
44	04/19/2010	(834374)
45	05/14/2010	(834375)
46	06/14/2010	(847343)
47	06/30/2010	(861780)
48	11/15/2010	(864932)
49	08/17/2010	(868195)
50	09/10/2010	(875114)
51	10/14/2010	(882726)
52	11/16/2010	(889136)
53	12/15/2010	(897513)
54	03/11/2011	(899569)
55	01/14/2011	(903400)
56	04/04/2011	(908166)
57	02/17/2011	(910316)
58	03/14/2011	(928606)
59	01/18/2007	(928607)
60	01/18/2007	(928608)
61	05/18/2011	(939224)
62	06/16/2011	(946646)
63	09/01/2011	(949016)

64 07/18/2011 (953902)
 65 08/18/2011 (960496)
 66 11/10/2011 (964011)
 67 09/21/2011 (966557)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	12/31/2006 (928608)	CN600629794	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2007 (624866)	CN600629794	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/30/2007 (624867)	CN600629794	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	04/30/2007 (624868)	CN600629794	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2007 (624870)	CN600629794	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2007 (624877)	CN600629794	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/29/2008 (693846)	CN600629794	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/02/2008 (640838)	CN600629794	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to adequately operate and maintain the wastewater treatment plant.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with effluent limitations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with the permit limits for daily average flow.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to accurately report effluent parameters on the Discharge Monitoring Reports (DMR).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.6(b)(1)(E)		
Description:	Failure to operate and maintain the chlorination system.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to submit a noncompliance notification within twenty four hours by phone or fax and/or a written notification within five working days		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		

Description: Failure to provide records for review at the time of the investigation.

Date: 11/30/2008 (814746) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2008 (814749) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2009 (771541) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 03/04/2009 (735890) CN600629794

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to adequately operate and maintain the wastewater treatment plant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with effluent limitations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to maintain compliance with the permit limits for daily average flow.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to accurately report effluent parameters on the Discharge Monitoring Reports (DMR).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.6(b)(1)(E)

Description: Failure to operate and maintain the chlorination system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to provide records for review at the time of the investigation.

Date: 05/31/2009 (814739) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2009 (814742) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2009 (814743) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2009 (814744) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2009 (814750) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2010 (814738) CN600629794

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2010 (868195) CN600629794

Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	08/31/2010 (875114)	CN600629794	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	11/15/2010 (864932)	CN600629794	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to properly maintain the wastewater treatment plant.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to provide at least two operational blowers.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 317 317.3(e)(5)		
Description:	Failure to provide a high level alarm.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(e) MRR, No. 4 PERMIT		
Description:	Failure to properly complete the discharge monitoring reports (DMRs).		
Self Report?	NO	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 2D TWC Chapter 26, SubChapter A 26.121(a)(1) 2D TWC Chapter 26, SubChapter A 26.121(a)(3) 2D TWC Chapter 26, SubChapter A 26.121(b) 2D TWC Chapter 26, SubChapter A 26.121(c) 2D TWC Chapter 26, SubChapter A 26.121(d) 2D TWC Chapter 26, SubChapter A 26.121(e) 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121 TWC Chapter 26 26.121(a)(2)		
Description:	Failure to prevent unauthorized discharges from the collection system.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WALNUT COVE WATER SUPPLY
CORPORATION
RN103123279**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2011-2178-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Walnut Cove Water Supply Corporation ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located 200 feet east of Lake Conroe on Weir Creek approximately three miles west of Interstate Highway 45 and two miles north of Farm-to-Market Road 1097 in Montgomery County, Texas (the "Facility").

2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During an investigation on September 15, 2011, TCEQ staff documented that the Respondent did not properly operate and maintain the wastewater treatment plant resulting in high levels of foam and sewage debris in the receiving stream. Specifically, as a result of poor maintenance of the clarifier, elevated amounts of floating solids and grease balls were noted along the clarifier weirs that were discharging into the clarifier trough, high levels of foam covered approximately 40% of the clarifier's surface, and the sludge blanket in the clarifier was 6 feet in a 10 foot water depth. The recommended sludge depth is 25% of the total water depth. Additionally, the thirty-minute settleable solids concentration in the aeration basin was 85%, indicating that the aeration basin was not being operated properly. High levels of foam and sewage debris was also noted on the north and south sides of the outfall discharge pipe.
4. During an investigation on September 15, 2011, TCEQ staff documented that the Respondent did not properly maintain the wet wells. Specifically, the wet wells at the Scarlett Oak and Old Creek No. 1 lift stations contained excessive amounts of grease.
5. During an investigation on September 15, 2011, TCEQ staff documented the Respondent did not prevent unauthorized discharges of wastewater from the collection system. Specifically, on January 11, 2011, approximately 2,500 gallons of wastewater discharged from the manhole located at lift station no. 2, onto the yard at 8846 Old Creek due to a force main break inside the lift station. Also, on March 11, 2011, approximately 1,000 gallons of wastewater discharged onto property located at 9095 Migold due to a sewer stoppage in a collection line.
6. The Respondent received notice of the violations on November 16, 2011.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By January 11, 2011, repaired the force main, replaced the polyvinyl chloride pipes and disinfected the area;
 - b. By March 11, 2011, disinfected the area and jetted the pipe to unclog the blockage;
 - c. By September 27, 2011, received documentation indicating that the foam and sewage debris has been removed from the receiving stream and disposed of properly; and
 - d. On December 11, 2011, submitted documentation demonstrating that the grease was removed from the wet wells and was disposed of properly.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to properly operate and maintain the wastewater treatment plant resulting in high levels of foam and sewage debris in the receiving stream, in violation of TEX. WATER CODE § 26.121, 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012416001 Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4 and Permit Conditions No. 2.d.
3. As evidenced by Findings of Fact No. 4, the Respondent failed to properly maintain the wet wells, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012416001 Operational Requirements No. 1.
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized discharges of wastewater from the collection system, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0012416001 Permit Conditions No. 2.g.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of Twenty-Nine Thousand Three Hundred Fifty Dollars (\$29,350) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Twenty-Nine Thousand Three Hundred Fifty Dollar (\$29,350) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Nine Thousand Three Hundred Fifty Dollars (\$29,350) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Walnut Cove Water Supply Corporation, Docket No. 2011-2178-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:

- a. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The plan shall be prepared by a Texas registered professional engineer. At a minimum, the plan shall include the following items:
 - i. A schedule for performing the following process control analysis and recommended ranges to be maintained: mixed liquor thirty-minute sludge settleability, mixed liquor suspended solids, mixed liquor dissolved oxygen concentration, clarifier sludge blanket depth, and residual chlorine concentration;
 - ii. Procedures outlining actions to be taken in the event that any of the above process control analyses fall outside the recommended range; and
 - iii. Specific sampling locations for the above stated process control measurements.

Organized, written records of the process control analyses shall be maintained for a period of three years at the Facility in a daily log book and shall be made available to TCEQ representatives upon request.

- b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Jones
For the Executive Director

6/18/12
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Walnut Cove Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Walnut Cove Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Walnut Cove Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

A Pulatic
Signature

3/22/12
Date

Alice Pulatic
Name (Printed or typed)
Authorized Representative of
Walnut Cove Water Supply Corporation

Secretary
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.